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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,934	12/17/2003	Axel Axelsson	0023-02	8469
7590	06/10/2004		EXAMINER	
Eric K. Satermo P.O. Box 19099 Irvine, CA 92623-9099			WINNER, TONY H	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/738,934

Applicant(s)

AXELSSON, AXEL

Examiner

Tony H. Winner

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Withdraw Previously Allowed Claims

1. An early indication of allowability of claims 1-5 on 5/20/04 is withdrawn in view of the newly discovered reference to Tunnecliff (US. patent 6,474,427 B1). Rejection based on the newly cited reference follow.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The form and legal phraseology often used in patent claims, such as "**means**" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. Therefore, the "fastening means" of line 3 and "The attachment means" of line 5 should be changed to, for example: -- fastener -- and -- The attachable connector --.

3. The disclosure is objected to because of the following informalities: ***

- a. Page 9 line 3 of the specification discloses the letter "I" is unclear and should be changed to -- is --.

- b. Paragraph 38 and line 5 of the specification misspelled the word "m0unting" and should be changed to -- mounting --.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nan (US. patent 5,826,670) in view of Hartman (US. patent 6,139,032) and further in view of Meeker (US. patent 5,494,126).

Tunnecliff discloses a powered wheelchair comprising:

- a. A manual wheelchair including a frame,
- b. A set of front wheels attached to the frame, and
- c. A set of rear wheels attached to the frame (figure 3);
- d. An electric scooter including a frame, a front wheel attached to the frame, a rear wheel attached to the frame, a steering portion attached to the frame and the wheelchair being mounted to the scooter such that the frame of the wheelchair is supported by the scooter.

Nan is disclosed above but lacks the teaching of a seat post.

Hartman teaches an apparatus for converting a motorized cart by adding a seat post and a seat so that the cart may be used to transport passenger.

Based on the teaching of Hartman, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cart/scooter of Nan to

include the seat and seat post of Hartman so as to provide the cart with a means to transport passenger.

Nan as modified by Hartman is disclosed above but lacks the teaching that the front wheel of the wheelchair is elevated above the ground after mounting the wheelchair to the cart/scooter.

Meeker discloses an apparatus for attaching a motorized wheel to the wheelchair and subsequently raises the front wheels of the wheelchair off the ground so as to provide better handling and control of the wheelchair.

Based on the teaching of Meeker, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the electric wheelchair of Nan as modified by Meeker to include the front wheels of the wheelchair elevated above the ground so as to provide better handling and control of the wheelchair.

With regard to claim 3, Nan as modified by Hartman and Meeker meets all of the claimed limitations.

With regard to claim 1, Nan as modified by Hartman and Meeker meets all of the method claimed limitations.

Allowable Subject Matter

5. Claims 4-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chu et al. ('051), Tunnecliff ('427), Broadhead et al. ('567), and Coker ('720) are cited of interest.

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Anthony H. Winner whose telephone number is (703) 306-5957. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris, can be reached at (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


TONY WINNER
PATENT EXAMINER

May 21, 2004